

IC 8-4-29

Chapter 29. Awards Against Railroad Carriers

IC 8-4-29-1

Complaint or petition; order of commission

Sec. 1. If, after hearing on a complaint or petition filed with the Indiana department of transportation, the department determines that a party complainant is entitled to an award of damages for the violation of the laws of this state prescribing the duties and powers of the department, the department shall make an order directing the carrier to pay to the complainant the sum to which the complainant is entitled, on or before a day named, and stating the sum. No order shall be made if the carrier has made reparation to the complainant for the injury alleged to have been done. In connection with damages or reparation sought for the assessment and collection by a railroad of unreasonable or otherwise improper charges for the transportation of property within Indiana, if the facts material to the question are set forth in written verified statements by the parties involved and the facts are not in controversy, the department, after investigation and in its discretion, may waive hearing and dispose of the case by order, as provided in this chapter.

(Formerly: Acts 1913, c.273, s.1; Acts 1955, c.176, s.1.) As amended by P.L.384-1987(ss), SEC.50; P.L.18-1990, SEC.58.

IC 8-4-29-2

Action against carrier

Sec. 2. If a carrier does not comply with an order for the payment of money within the time limit in an order, the complainant (or a person for whose benefit the order was made) may file, in the circuit or superior court of a county into or through which the road of the carrier runs, a complaint setting forth briefly the causes for which the complainant claims damages and the order of the Indiana department of transportation in the premises. Such suit shall proceed in all respects like other civil suits for damages, except that, on the trial of the suit, the findings and order of the department shall be prima facie evidence of the facts therein stated, and the complainant, if the complainant prevails, shall be allowed a reasonable attorney's fee, collected as a part of the cost of the suit. No proof of the findings and order of the department shall be required unless the allegations in the complaint concerning the same are specially denied by a pleading under oath.

(Formerly: Acts 1913, c.273, s.2.) As amended by P.L.384-1987(ss), SEC.51; P.L.18-1990, SEC.59.

IC 8-4-29-3

Limitation of actions

Sec. 3. All complaints for the recovery of damages shall be filed with the Indiana department of transportation within two (2) years from the time the cause of action accrues. A complaint for the enforcement of an order for the payment of money shall be filed in

court within one (1) year from the date of the order.
(Formerly: Acts 1913, c.273, s.3.) As amended by P.L.384-1987(ss), SEC.52; P.L.18-1990, SEC.60.

IC 8-4-29-4

Joinder of parties; service of process

Sec. 4. (a) In suits filed under this chapter, all parties in whose favor the Indiana department of transportation may have made an award for damages by a single order may be joined as plaintiffs, and all the carriers that are parties to the order awarding damages may be joined as defendants. The suit may be maintained by joint plaintiffs against joint defendants in a county where one (1) of the joint plaintiffs could maintain a suit against one (1) of the joint defendants. Service of process against one (1) of the joint defendants as may not be found in the county where the suit is brought may be made in any other county of the state as provided by law.

(b) In case of a joint suit, the recovery, if any, may be by judgment in favor of one (1) or more of the plaintiffs against one (1) or more of the defendants found to be liable to the plaintiff or plaintiffs.

(Formerly: Acts 1913, c.273, s.4.) As amended by P.L.384-1987(ss), SEC.53; P.L.18-1990, SEC.61.

IC 8-4-29-5

Cumulative effect of chapter

Sec. 5. The provisions of this chapter are cumulative to all other rights and remedies of the parties and all other powers of the Indiana department of transportation.

(Formerly: Acts 1913, c.273, s.5.) As amended by P.L.62-1984, SEC.83; P.L.384-1987(ss), SEC.54; P.L.18-1990, SEC.62.